

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

RAMON VELAZQUEZ,

Defendant.

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MEMORANDUM AND ORDER

Case No. 92-cr-01265

Appearances:

For the United States:

BREON PEACE

United States Attorney

Eastern District of New York

By: MATTHEW SKURNIK

Assistant United States Attorney

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For the Defendant:

RAMON VELAZQUEZ, PRO SE

11279-014

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Inmate Mail/Parcels

P.O. Box 1500

Butner, NC 27509-4500

BLOCK, Senior District Judge:

On January 27, 2023, Ramon Velazquez (“Velazquez”) filed his second motion seeking compassionate release under 18 U.S.C. 3582(c)(1)(A). For the following reasons, his motion is denied.

On October 6, 1997, Velazquez pleaded guilty to intentionally engaging in a continuing criminal enterprise in violation of 21 U.S.C. §§ 841, 846, and 848(a). He was sentenced to life and has served nearly 31 years in prison. Velazquez’s

conviction stems from his role as the leader of a violent narcotics trafficking organization between 1989 and 1992. His organization was notoriously violent, and Velazquez's offense conduct includes ordering the murder of 13 people, including individuals who were not in any way connected to his drug trade. Members of Velazquez's organization also attempted to murder several others at his direction, firebombed a grocery store, detonated grenades in a bar and a supermarket, trafficked thousands of kilograms of cocaine, and laundered the financial proceeds.

On October 28, 2020, Velazquez moved pro se for compassionate release based upon his medical conditions and the risk of contracting COVID-19 while incarcerated. The Court denied his motion on April 26, 2021, finding that he had failed to show that his health conditions made him more vulnerable to COVID-19 and that the 18 U.S.C. § 3553(a) factors weighed against his release. Now, Velazquez again moves pro se for compassionate release based upon the same grounds—his medical conditions and the risk to his health posed by COVID-19.

First, it is not clear that Velazquez has exhausted his administrative remedies as required by 18 U.S.C. § 3582(c)(1)(A) (requiring a defendant to show that he or she “has fully exhausted all administrative rights to appeal a failure of the [Bureau of Prisons] to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier.”). Velazquez states that he submitted a compassionate release request to the

warden of his facility on October 28, 2022, though he fails to submit a copy of the letter and his facility relays that they have not located it either. However, owing to his status as a pro se inmate, the Court broadly interprets Velazquez's assertion that his request was submitted. *See United States v. Resnick*, 451 F. Supp. 3d 262, 269 (S.D.N.Y. 2020) (stating that the prisoner mailbox rule provides that an inmate's pro se papers are considered filed the day that they are given to prison officials to be mailed).

In any event, Velazquez fails to show that there exist extraordinary and compelling reasons justifying his release at this time. *See United States v. Brooker*, 976 F.3d 228, 237 (2d. Cir 2020). Velazquez's health problems do not appear to have changed materially since his last motion. Notably, Velazquez is now vaccinated against COVID-19. Courts in this Circuit deny compassionate release motions that rely primarily on COVID-19 as a basis for relief. *See United States v. Folkes*, No. 18-CR-257 (KAM), 2022 WL 1469387, at *6 (E.D.N.Y. May 10, 2022) (collecting cases). Also, although Velazquez has prostate cancer and hypertension, his medical records reflect that both conditions are under control at this time with the medical treatment he is currently receiving. Finally, though Velazquez claims that he is obese, his medical records do not support this assertion.

The Court is unpersuaded that Velazquez has presented "extraordinary and compelling reasons" justifying his release or a reduction in his sentence. *Brooker*,

976 F.3d at 237. Also, given the gravity of his crimes, the § 3553(a) factors would also weigh against his release at this time. As a result, Velazquez's motion is denied.

CONCLUSION

For the foregoing reasons, the defendant's motion for compassionate release is DENIED.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
July 28, 2023